

City of Detroit


CITY COUNCIL

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TO: Honorable City Council

FROM: David Whitaker 

DATE: April 20, 2010

RE: **Research and Analysis Division Response to Budget Related Questions**

This memorandum is intended to be responsive to a series of questions sent to the City Council's Research and Analysis Division (RAD) by Member Jenkins relative to RAD's budget requests for fiscal year 2010-11. This report highlights the division's efforts, which were expended on behalf of this Honorable Body this past budget year.

The primary role of the City Council's Research & Analysis Division (RAD) is to serve as an advisor to the Detroit City Council on legal and policy issues that are referred to this division for research, analysis and comment. Staff regularly prepare memoranda, legal opinions, resolutions and ordinances, and perform research as necessary to assist City Council in the performance of its duties. RAD also provides Council with analysis of its legal rights under the City Charter and also pertinent state and federal laws. For the past several years, RAD, acting by and through its director, has performed the role of special outside counsel in litigation that has been brought on behalf of this Honorable Body.¹

During the 2009-2010 budget year, RAD has completed more than 200 separate assignments² received from the Council table. The complexities of these assignments have ranged from the fairly mundane to the critically important with an appropriate amount of staff attention devoted to each assignment. Significant public policy/legal matters handled by RAD during this fiscal year included, but were not limited to:

¹ Any time circumstances necessitate the retention of outside legal counsel to assist Council in obtaining their advice, opinion or representation, RAD supervises/monitors that relationship.

² Whereas the vast majority of the assignments given to RAD result in the generation of a written response, such is not always the case. The attempt is always to be as productive, efficient and punctual in responding to issues raised by Council, which on occasion necessitates verbal reporting or other means of non-formal means.

- Contract review and analysis (weekly)
- Review and analysis of contracts below \$25,000
- Working with the Administration to propose significant changes to the City's purchasing ordinance (draft)
- Privatization issues related to contracts
- Review of City of Detroit water service contracts with various surrounding suburban communities
- Dangerous buildings listing review and report (weekly)
- Comprehensive analysis of the city's process for dangerous buildings
- Water Affordability Plan
- Detroit City Council Orientation
- Detroit City Council Legislative Conference
- Council Rules Amendments
- Comprehensive review and analysis of DOJ quarterly reports
- Dangerous Dogs Ordinance (draft)
- Foreclosed Property Ordinance (draft)
- Sexually Oriented Business Ordinances
- Promise Zone Act's implementation efforts
- Election issues
- Delinquency Prevention Ordinance and related issues
- Issues relative to the Privatization Ordinance
- Bed Bug Ordinance (draft)
- Economic Stimulus / Michigan Marshall Plan
- Drafting of the Budget Closing Resolution
- Cobo Hall / Detroit Regional Convention Facility Authority and Litigation
- Comprehensive review and analysis of HB 5731- Regional Transit Authority / HB 5976 – Municipal Pension Systems
- Clawback Provisions of PA 198 Abatements and 328 abatements (drafted language incorporated in abatement agreements)
- Review of Greektown Casino bankruptcy / settlement proposal documents
- Board of Review issues
- Review of MOU between City of Detroit / Wayne County Prosecutor regarding DPD Crime Lab
- Research and respond to various constituent complaints
- Insurance Redlining
- DMC/Vanguard
- Detroit Land Bank
- Cable Commission
- Urban Marshall Plan
- GDRRA
- Revenue savings/generating ideas

RAD staff members attend all City Council Standing Committees, Formal Sessions, Special Sessions and Committees of the Whole and various other meetings (*i.e.*, evening community meetings). RAD also has trained Parliamentarians on staff to aid and assist Council Members with procedural matters during all Council sessions. Working in conjunction with the Council President's Office and the City Clerk's Office, RAD helps to coordinate/facilitate closed sessions on all matters properly noticed under state law. RAD staff members actively participate in various committees, taskforces and working groups and other projects as directed by Council, including but not limited to the City Charter Commission, Detroit Land Bank, Council's Entertainment Taskforce, Risk Management Council and Environmental/Sustainability issues of all kinds.

RAD also works with the Cable Commission relative to government access programming of City Council sessions; RAD staff monitors all meetings of the Cable Commission.

The RAD director manages City Council's Media Control Center.³ As such, RAD is responsible for the successful taping and airing of Council sessions, taskforces and special events on the Government Access Channels via Comcast and AT&T. The media staff, most recently, was instrumental in the broadcasting of City Council meetings live to area residents via the internet and on Comcast. As a result, City Council sessions are now available twice a day.

At this time there are no open FTE positions within RAD. However, one Cable Specialist position has been unencumbered in FY 10-11 and RAD is not requesting funding for this position. Mr. John Hill held this title for more than 12 years, but approximately two (2) years ago elected to become a contractual employee, working about 45 hours per pay period.

For this current fiscal year to date, RAD has expended \$1,946,863.56. Our total budget allocation is \$3,051,983.73. We anticipate that several hundred thousand dollars will be unspent at the conclusion of the present fiscal year.⁴ The division requested additional funding to cover costs of contractual employees (Mr. J. Hill and Mr. D. McDonald {technical support}- Media Center and Ms. Sidney Beasley – receptionist) and anticipated outside professional legal/consulting services (present requests known to RAD include: consultation relative to insurance redlining and GDRRA). Because of the uncertainties of litigation, monies were requested so that Council can, if you so desire, act appropriately on issues without undue hesitation due to lack of available funding. The FY 10-11 budget also included encumbered dollars from the prior fiscal year.

³ Historically, the Media Crew were part of the Council administration in that they service the entire Council and were managed through the Council President's office. The change in management occurred a decade or more ago. It should be noted that the Media Crew accounts for six of RAD's FTEs.

⁴ As the city's budget process requires, RAD submitted its proposed budget by December 8, 2009 (less than halfway through the fiscal year), while the possibility of additional litigation remained. Had the Council chosen to engage in such litigation, the funds could potentially have been exhausted during the year.

It has always been RAD's desire to be fiscally responsible with expenditures in its budget. Although staff has been encouraged to continue with various professional and educational training, the division has drastically reduced this expense from its budget as well as all travel related expenses; by way of example, the vehicle assigned to the director is routinely utilized by staff to fulfill transportation needs within RAD.

RAD has significantly reduced the turn around time in submitting reports to City Council. Unless the items require extensive research and input by various departments and/or outside counsel, there are no assignments that exceed ninety business days, and most assignment are turned around within days/weeks of the time referred.

As stated above, RAD's assignments are typically complex by nature and there is often significant time limitation associated with their completion. Given the significance of our work, it is essential that the work be as thorough, accurate and reliable as possible. The rush for time can work against the need for accuracy and completeness; therefore, teamwork is an essential ingredient in our attempt to overcome, at times very difficult odds. Our goal is to handle all RAD assignments with a team dynamic. Within such a system, *most* issues are conceived, researched and resolved.

As RAD outlines its goals for the upcoming fiscal year, it acknowledges that it must grow in re-establishing its relationship with state and federal lobbyists. As a result, the division will make bi-weekly contact with the Lansing lobbyist and monthly contact with the City's Washington's lobbyist.

In addition, RAD would like to ensure its website is regularly updated and reports are made available to visitors via the website. In its efforts to Go Green, the division is implementing practices that lead to a more environmentally friendly office. As such, we are exploring the possibility of moving to a more paperless system (*i.e.*, dangerous building reports). RAD also looks to improve the overall efficiency of the office and its employees by growing personally and professionally.

Lastly, RAD looks forward to continuing to assist this Honorable Body in all aspects of its legislative responsibilities.

Attachment

RESEARCH AND ANALYSIS DIVISION STAFF

David Whitaker, Director
Elizabeth Irby, Deputy Director

Administrative Assistants

Kiera Coleman
Sydney Beasley – *contract employee*

Attorneys

LaKisha Barclift
Elizabeth Cabot
Marcel Hurt
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Media Crew

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Diarra Kyle
Anthony Simmons
Robert Tramel
Roman Zilberman
John Hill – *contract employee*
David McDonald – *contract employee*